

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN DOE, M.D.,

Plaintiff,

v.

THE BOARD OF REGENTS OF THE
UNIVERSITY OF MICHIGAN, ET AL.,

Defendants.

Case No. 21-cv-13032

U.S. DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

**ORDER DENYING DEFENDANTS' MOTION TO PERMIT THE FILING
OF SUPPLEMENTAL BRIEF AND DECLARATIONS IN RESPONSE TO
ECF NO. 3 [#53] AND DENYING PLAINTIFF'S MOTION TO PERMIT
SURREPLY TO DEFENDANT'S REPLY TO PLAINTIFF'S RESPONSE TO
MOTION TO DISMISS [#54]**

Plaintiff John Doe, M.D., commenced this action against the University of Michigan Board of Regents, and doctors Justin Dimick, M.D., and Marie Lozon, M.D., (collectively, the "Defendants"), on December 29, 2021 seeking a temporary restraining order and damages. *See* ECF No. 1. On January 4, 2022 Defendants filed motions to dismiss Plaintiff's case. *See* ECF Nos. 14, 15. This Court denied Plaintiff's temporary restraining order request on January 14, 2022. ECF No. 28, PageID.731. The Court set a briefing schedule for the pending motions, including Defendants' Motions to Dismiss. *Id.* at PageID.739. A hearing for Defendants' Motions to Dismiss has been cancelled and the Motions will be decided on the briefs.

Presently before the Court is Defendants’ Motion to Permit the Filing of Supplemental Brief and Declarations in Response to ECF NO. 3 [#53], and Plaintiff’s Motion to Permit Surreply to Defendant’s Reply to Plaintiff’s Response to Motion to Dismiss [#54], both submitted on May 5, 2022. Defendants seek leave to file a supplemental brief that responds to Plaintiff’s preliminary injunction request. ECF No. 53, PageID.1364. The supplemental briefing contains declarations from doctors Brian Zink and Marie Lozon, who respond to Plaintiff’s allegations about “the Fair Hearing” and his alleged pay reduction. *Id.* at PageID.1364–1365. Likewise, Plaintiff’s Motion seeks to “update the Court regarding the Fair Hearing because new evidence and information has surfaced.” ECF No. 54, PageID.1383. This “new evidence” details the hearing’s format. ECF No. 54-1, PageID.1395.

After reviewing the parties’ motions, the Court concludes good cause does not exist to grant the requested relief. To the extent the Court needs additional briefing from Defendants, it can be requested at a future date. Regarding Plaintiff’s Motion, it responds to no new arguments in Select Defendant’s reply brief. The Court recognizes Plaintiff’s concerns about the Fair Hearing process. But the Court does not find those concerns sufficient to establish good cause for granting Plaintiff’s Motion. Accordingly, Defendants’ Motion to Permit the Filing of Supplemental Brief and Declarations in Response to ECF NO. 3 [#53], and Plaintiff’s Motion to

Permit Surreply to Defendant's Reply to Plaintiff's Response to Motion to Dismiss
[54], are DENIED.

IT IS SO ORDERED.

Dated: June 13, 2022

/s/ Gershwin A. Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
June 13, 2022, by electronic and/or ordinary mail.

/s/ Teresa McGovern
Case Manager